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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 986

ANTHONY JOSEPH ZAMBITO, *Petitioner*,

v.

UNITED STATES OF AMERICA, *Respondent*.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

GILBERT S. BACHMANN
Counsel for Petitioner

Counsel of Record:

GILBERT S. BACHMANN
1226 Chapline Street
Wheeling, West Virginia
JAMES A. BYRUM
Central Union Building
Wheeling, West Virginia
D. PAUL CAMILLETTI
Peoples Federal Building
Wheeling, West Virginia

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To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States.

Anthony Joseph Zambito, the Petitioner herein, prays that a Writ of Certiorari issue to review the Judgment of the United States Court of Appeals for the Fourth Circuit entered in the above entitled case on March 5, 1963.

OPINION BELOW

The opinion of the Circuit Court of Appeals for the Fourth Circuit is unreported and is printed in the Appendix, page 1a. The Judgment of the UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT entered on March 5, 1963, is printed in the Appendix, page 9a. The Judgment of the United States Dis-

trict Court for the Northern District of West Virginia is printed in the Appendix, page 8a.

JURISDICTION

The Jurisdiction of the Court is invoked under 28 U. S. C. § 1254 (1).

QUESTIONS PRESENTED

1. Sections 1952 and 1953 of Title 18, United States Code, Are Unconstitutional; Both Statutes Are Repugnant to the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

2. The United States Court of Appeals for the Fourth Circuit Decided a Federal Question Involved in This Case By Rendering an Opinion Which Is in Conflict With Applicable Principles of Law Contained in the Decisions of the United States Supreme Court in Ingram vs. United States, 360 U. S.672, 3 L. Ed. 2d. 1503, 79 S. Ct. 1314.

3. The Decision Rendered in This Case by the United States Court of Appeals for the Fourth Circuit With Reference to Affirming the Judgment of Guilty as to the Petitioners Alleged Violation of Title 18, U. S. C., Section 1001, Is in Conflict With a Decision Rendered By the United States Court of Appeals for the Fifth Circuit, Styled, Paternostro vs. United States, Decided November 7, 1962, 311 F. 2d. 299.

4. The Record Presents a Serious Question, Whether Sections 1952 (Travel) and 1953 (Carries) of Title 18, United States Code, as Related to the Facts in This Case, are Two Separate Offenses Consecutively Punishable.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

Constitution of the United States of America

FIFTH AMENDMENT

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

SIXTH AMENDMENT

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

FOURTEENTH AMENDMENT

ARTICLE XIV

Section 1.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any

State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U. S. Code—Title 18

§ 1001. Statements or Entries Generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 749.)

Title 18—U.S.C.—Section 2

PRINCIPALS

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

(June 25, 1948, ch. 645, 62 Stat. 684; Oct. 31, 1951, ch. 655, § 17b, 65 Stat. 717.)

U. S. Code—Title 18

Racketeering

§ 1952. Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises.

(a) Whoever travels in interstate of foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

(1) distribute the proceeds of any unlawful activit' ; or

(2) commit any crime of violence to further any unlawful activity; or

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) As used in this section "Unlawful activity" means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2) extortion or bribery in violation of the laws of the State in which committed or of the United States.

(c) Investigations of violations under this section involving liquor or narcotics shall be conducted under the supervision of the Secretary of the Treasury.

(Added Pub. L. 87-228, § 1(a), Sept. 13, 1961, 75 Stat. 498)

U. S. Code—Title 18

Racketeering

§ 1953. Interstate Transportation of Wagering Paraphernalia.

(a) Whoever, except a common carrier in the usual course of its business, knowingly carries or sends in interstate or foreign commerce any record, paraphernalia, ticket, certificate, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in (a) bookmaking; or

(b) wagering pools with respect to a sporting event; or (c) in a numbers, policy, bolita, or similar game shall be fined not more than $10,000 or imprisoned for not more than five years or both.

(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which betting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.

(Added Pub. L. 87-218, § 1, Sept. 13, 1961, 75 Stat. 492.)

STATEMENT OF THE CASE

On December 13, 1961, ANTHONY JOSEPH ZAMBITO, the Petitioner, and five (5) others were arrested by Intelligence Agents of the Internal Revenue Service and at Wheeling, West Virginia were charged with violation of Title 18, United States Code, Sections 1952 and 1953. The Petitioner was arrested at his place of business called the Jolly Bar, which he owned and operated, situated at 1057 Market Street, Wheeling, West Virginia. Since 1950 the Petitioner operated a bar business on the first and second floors of said premises and resided in an apartment located on the third floor.

On March 15, 1962, a Grand Jury in the United States District Court for the Northern District of

West Virginia returned a Six Count Indictment against Anthony Joseph Zambito, Paul Hankish, Arthur C. Hale, Thomas Scarbor, Alfred Prim and James J. Rogerson, charging:

Count One: Charged all six Defendants with conspiring (18 U.S.C. 371) to violate Sections 1952 and 1953, Title 18, United States Code.

Counts Two through Five: Charged Zambito and certain other Defendants with substantive violations of Sections 1952 and 1953 relating said allegations to violation of Section 2(b).

Count Six: Charged Zambito alone with violation of Title 18, U.S.C. 1001 by the allegation that Zambito made a false representation of material fact in a Special Tax Return and Application for Registry-Wagering (Form 11-C) by stating "None" in response to question 5(b) concerning the number of employees and/or agents engaged in receiving wagers in his behalf.

All Six Defendants were tried together before a Jury. Midway during the Trial the Court disqualified and dismissed a Juror and replaced him with an alternate Juror. The Trial Court entered Judgments of Acquittal as to two of the Defendants, Prim and Scarbor. Motions for Judgments of Acquittal made on behalf of each of the other four Defendants were overruled and the Jury returned a Verdict of Not-Guilty as to Hankish and of Guilty as to Zambito, Hale and Rogerson on all Counts in which they were named. Hale and Rogerson were fined and placed upon probation. A Motion for a New Trial was filed on behalf of Zambito and was overruled. On June 15,

1962, Zambito was sentenced to serve a term of two years on each of the Six Counts; Sentences of Counts One and Six to run concurrently and sentences of Counts Two, Three, Four and Five to run concurrently, however, the two groups of concurrent sentences were ordered to be run consecutively resulting in a total sentence for a term of four years.

Zambito appealed to the United States Court of Appeals for the Fourth Circuit. On March 5, 1963, said United States Court of Appeals for the Fourth Circuit Affirmed the Judgment of the said United States District Court.

STATEMENT OF FACTS

On or about September 18, 1961, Anthony Joseph Zambito began to operate "numbers activity" from his theretofore established place of business known as the Jolly Bar situated at 1057 Market Street, Wheeling, West Virginia. In the parlance of such an activity Zambito was the owner or the "banker" and as such received bets recorded on "numbers slips" of bettors or customers which were solicited by "writers" or "runners;" the latter deducted a commission from moneys collected. Bettors or customers are never identified. Zambito knew that the numbers activity was illegal under the laws of the State of West Virginia. He now is awaiting sentence on a plea of guilty to a felony indictment charging a numbers violation in the Intermediate Court of Ohio County, West Virginia. He also knew that the State of Ohio had recently enacted more stringent penalties and that Congress had recently enacted laws providing serious penalties for interstate activity in connection with gambling. At the time Zambito began his numbers operation until his arrest on December 13, 1961, he believed that all of the bets that were being brought

to his place of business were solicited within the geographical boundaries of the State of West Virginia, that is, that he was conducting a purely intrastate operation within the proximate area of the City of Wheeling, West Virginia.

Previous to September 18, 1961, Zambito had never operated "numbers." Notwithstanding that John J. Snyder and John W. Fox, both residents of Martins Ferry, Ohio, who had owned and operated a numbers activity both in the State of Ohio and the State of West Virginia from their place of business situated in Martins Ferry, Ohio, and had furnished Zambito an adding machine, numbers books, etc., Zambito began a new and distinct numbers operation which he and he alone owned and controlled.

Zambito's numbers activity was a small operation. In the approximate three months period from September 18, 1961, to December 13, 1961, his gross receipts amounted to only Nine Thousand Dollars ($9,000.00). Zambito had no knowledge that the Co-Defendants, Hale and Rogerson, had solicited bets in the State of Ohio. There is no direct evidence that Zambito knew that Hale and Rogerson were soliciting bets outside of West Virginia and notwithstanding the Government Agents' lengthly surveillance the record shows that only an insignificant portion of the wagers written by Hale and Rogerson were solicited in Ohio.

REASONS FOR GRANTING THE WRIT

Sections 1952 and 1953, Title 18, United States Code, Are Unconstitutional; Both Statutes Are Repugnant to the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States

I

SECTIONS 1952 AND 1953 OF TITLE 18, UNITED STATES CODE, DENY EQUAL PROTECTION OF THE LAW AND ARBITRARILY, CAPRICIOUSLY AND UNREASONABLY CREATE CLASS LEGISLATION.

THE STATUTES FAIL TO SET UP AN ASCERTAINABLE STANDARD AND ARE NOT SUFFICIENTLY EXPLICIT TO INFORM THOSE WHO ARE SUBJECT TO THE STATUTES WHAT CONDUCT ON THEIR PART WILL RENDER SUCH PERSONS LIABLE TO THE PENALTIES.

REFERENCE TO VARIOUS AND UNSPECIFIED STATE LAWS RENDERS BOTH STATUTES VAGUE, CAPRICIOUS AND INCAPABLE OF BEING UNIFORMLY ENFORCED.

A Statute creating a criminal sanction in order to satisfy constitutional requirements must conform to the principles enunciated in *Connaly* v. *General Construction Co.*, 269 U.S. 385; 46 S. Ct. 126:

> "That the terms of a Penal Statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well-recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a Statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essentials of due process of law."

Pfeiffer Brewing Co. v. *Bowles, Price Admr.*, 146 Fed 2d 1006—Jan. 26, 1945 Cert. Denied April 2, 1945:

"Equal protection of the law is the constitutional right of every American citizen. Indeed, it has frequently been said to be essential to due process of law guaranted by the Constitution. Amendment 5. In other words, legislation must be general in character upon the subjects to which it is related and enforceable in the usual modes adapted to the facts in the case. Dent v. W. Va. 129 U.S. 114, 9 S. Ct. 231; 32 L. Ed. 623. Class legislation discriminating against some and favoring others is prohibitive. But the rule does not prohibit or prevent classification which is reasonable, for, while the law must affect all persons in the same class and under similar conditions, classification based upon substantial distinction, with proper relation to the objects classified and the purposes sought to be achieved, if it does operate alike on all members of the class, is not special, discriminatory or class legislation. Obviously, classifications must embrace all who belong in the same category and may not be capricious or arbitrary."

Lanzetta, et al. v. *State of New Jersey*, 306 U.S. 451; 59 S. Ct. 618 (1939):

"The terms it (N. J. Statute punishing "Gangsters") purports to denounce are so vague, indefinite and uncertain that it must be condemned as repugnant to the due process clause of the Fourteenth Amendment."

In re: Emery Newbern, 350 Pac. 2d 116; . . . Cal. . . . Sup. Ct. of Cal.—March 8, 1960:

Defendant convicted under a Statute for vagrancy for being a common drunkard held, Statute unconstitutional because it was "vague, uncertain and incapable of being uniformly enforced."

Dennis v. *United States*, 341 U.S. 494; 71 S. Ct. 857:

> "Statutory provisions defining offenses or relating to the elements of an offense, or the prosecution or punishment therefor, may be so independent and separable that the invalidity or the unconstitutionality of one or more of them will not be held to affect the validity of the rest of the Statute."

Kay v. *United States*, 303 U.S. 1; 58 S. Ct. 468 (1938):

> "Statute (H. O. L. C.—False Statement) which fails to set up an ascertainable standard and is not sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties" is vague and uncertain and offends the due process clause of the Constitution.

ARGUMENT

I

The terms of Title 18, United States Code, Sections 1952 and 1953, are vague, uncertain and fail to set up an ascertainable standard and are incapable of being uniformly enforced

Section 1952, contains multiple subjects of activity and conduct which may be succinctly classified into: Gambling, Liquor on which Federal Excise Tax has not been paid, Narcotics and Prostitution. The gravamen of this newly created Federal Criminal Sanction is:

> *Travel In Interstate . . . Commerce . . . with intent to* (1) *distribute proceeds . . ., or* (2) *commit any crime of violence, . . ., or* (3) *promote, . . . or facilitate . . ., of any unlawful activity, and thereafter performs* either of the acts in (1), (2), or (3).

The Statute attempts to define unlawful activity as:

> (1) *any business enterprise involving gambling* or interstate traffic in non tax paid liquor, narcotics

and prostitution offenses *in violation of the laws of the State in which they are committed or of the United States.*

While the language of the Statute may be sufficient on the condemned activities of liquor, narcotics and prostitution, we submit that in the area *involving gambling* the terms are vague, capricious and fail to set up an ascertainable standard and consequently are incapable of being uniformly enforced.

Of the multiple subjects encompassed by the Statute we are confining our position and argument to the one activity or subject, viz, "invoiving gambling."

Trafficking in non-paid Federal Excise Tax Liquor and as well also prostitution and narcotics offenses are clearly and distinctly defined in the respective deposits of law in all of the several States. But the offense of "gambling" is not universally nor uniformly condemned in the deposits of law of the several States. Forms of gambling are numerous and varied. 38 Corpus Juris Secundum—Gaming, Section 86 names and sets forth thirty-two different types or methods of gaming. Gambling is defined and prohibited in some States by specific criminal Statutes and in other States the definition of Gambling is found in the Common Law. In some States we find that Gambling is strictly prohibited under penalties of Criminal Sanctions. In other States Gambling is legal under numerous forms and some of the States issue licenses for the control of such activity.

Thus among the several States we find specific Statutes prescribing criminal penalties for activity involving Gambling yet in Nevada Gambling is not ille-

gal. A person traveling from a sister State to the State of Nevada and in so traveling in interstate commerce engages in conduct or activity sought to be condemned by Sections 1952 and 1953 would not be subject to the penalties of the Federal created Criminal Sanctions. Yet a person engaging in the same conduct or activity involving Gambling who travels to another State or States in the Union where Gambling is by Statute or by Common Law illegal and performs the identical activity as the above mentioned performed in Nevada, is subject to the severe criminal penalties of the Statutes.

For these reasons it is submitted that the subject Statutes by reference to such various and sundry State laws, both Statutory and Common Law, are rendered vague, capricious and fail to set up an ascertainable standard and are incapable of being uniformly enforced.

As to Section 1953, in some States the keeping or exhibiting of various and sundry types of gaming devices, e.g. slot machines, pinball machines, etc., are prohibited by Statutes which said State Statutes require reference to the Common Law decisions to find the applicable rules and laws which define Gambling as it applies to such a device. The references to such State Statutes and Common Law decisions are made necessary by reason of the fine lines of demarcation between Amusement devices and Gambling devices.

Other States permit the keeping and exhibiting of such Gambling devices under the regulations of the licensing powers of the State, County and Municipal Agencies of Government. Thus again we find a person who carries in Interstate Commerce any:

> record, paraphernalia, ticket, certificate, bill, slip, token, paper, writing, or other devices used, or to be used, or adapted, devised or designed for use in (a) bookmaking; or (b) wagering pools with respect to a sporting event; or (c) in a numbers policy, bolita, or similar game, shall be fined" etc.

and carries such mentioned items into a State where such activity is licensed is not subject to the criminal penalties of the Federal Statute; whereas, a person engaged in the identical conduct who carries such items into a State which prohibits such Gambling activity is subject to severe fine and imprisonment. The naming of the various and sundry items which are prohibited from being carried into Interstate Commerce covers such a vast and almost unlimited number of articles that it is impossible to determine which articles do and which articles do not violate the Statute.

Section 1952 in defining "unlawful activity" relates to a "business enterprise involving Gambling." As hereinbefore stated Gambling is susceptible to many and various definitions, both statutory and Common Law in the several States. A "business enterprise" is a very broad term and necessarily gives rise to many conjectural and speculative areas of activities which makes it almost juridically impossible to determine what functions do or do not constitute a "business enterprise." We respectfully submit that the terms are so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. Also such terminology fails to set forth an ascertainable standard and is not sufficiently explicit to inform those who are subject to the Statute of the conduct on their part that will render such persons liable to the penalties.

II

The United States Court of Appeals for the Fourth Circuit decided a federal question involved in this case by rendering an opinion which is in conflict with applicable principles of law contained in the decision of the United States Supreme Court in Ingram v. United States, 360 U. S. 672. 3 L. Ed. 2d 1503, 79 S. Ct. 1314

There is no direct evidence in the record of this Case that Zambito KNEW that Hale and Rogerson were soliciting bets outside of West Virginia. In the *Zambito Case* the Government advanced the same theory as in the *Ingram Case*. The Government was unable to prove KNOWLEDGE by direct evidence but contended that the circumstances of intimate participation in a secret, illegal and profitable operation were sufficient to support the conviction.

The critical issue in the *Zambito Case* is the same issue as was adjudicated in the *Ingram Case*, that is, KNOWLEDGE. In the *Zambito Case* the issue is whether the evidence was sufficient to support the conviction which necessarily is a finding that Zambito had KNOWLEDGE that Hale and Rogerson solicited bets in Ohio and with such KNOWLEDGE he, Zambito, caused Hale and Rogerson to "travel" and "carry" in Interstate Commerce in violation of Sections 1952 and 1953, 371 and 2(b). In *Ingram*, the issue was whether the Defendants had KNOWLEDGE that a tax was due and whether with such KNOWLEDGE they willfully attempted to evade and defeat payment of the tax. The Supreme Court unanimously reversed the convictions of the Defendants on the ground that there was no direct evidence to show that the Defendants KNEW (1) that the principals were liable for a Gambling tax or (2) that the principals had not paid the tax. In concluding that the record "was completely barren of any di-

rect evidence of such KNOWLEDGE" (360 U.S. p. 678) the Court borrowed from its language in *Direct Sales Company* v. *United States*, 319 U.S. 703, p. 711, 87 L. Ed. 1674, p. 1681, 63 S. Ct. 1265:

> "Without the knowledge, the intent cannot exist . . . furthermore, to establish the intent, the evidence of knowledge must be clear, not equivocal . . . This, because charges of conspiracy are not to be made out by piling inference upon inference, thus fashioning . . . a dragnet to draw in all substantive crimes." 319 U.S. 711.

We respectfully submit that although *Ingram* v. *United States*, was fully set forth in the Appellant's Brief below and orally presented during argument, the United States Court of Appeals for the Fourth Circuit completely ignored the *Ingram Case* and rendered an Opinion which is in direct conflict with the principles of law laid down therein by this Court.

III

The decision rendered in this case by the United States Court of Appeals for the Fourth Circuit with reference to affirming the judgment of guilty as to petitioner's alleged violation of Title 18, United States Code, Section 1001, is in conflict with a decision rendered by the United States Court of Appeals for the Fifth Circuit styled Paternostro v. United States, decided November 7, 1962, 311 Fed. 2d 299

Count Six charged that Zambito made a false representation of a material fact in a Special Tax Return, and Application for Registry-Wagering (Form 11-C) by stating "NONE" in response to Question 5(b) concerning the number of employees and/or agents engaged in receiving wagers in his behalf.

Paternostro v. United States involved a prosecution for knowingly and willfully making a false statement

to a Special Agent of the United States Internal Revenue Service and for perjury before a Grand Jury. The Fifth Circuit held that Defendant's negative answers to questions propounded by the Agent were insufficient to constitute statements within the Statute and reversed with directions to enter Judgment of Acquittal on Count One. At page 305 the Court of Appeals says:

> "At most, assuming that Appellant's answers to the Agent were proved to be false by believable and substantial evidence, considering all he said the answers were mere negative responses to questions propounded to him by an investigating Agent during a question and answer conference, not initiated by the Appellant. We conclude that the Court erred in failing to dismiss Count One of the Indictment."

In this case Zambito is alleged to have made a false representation of a material fact by answering "NONE." This constitutes a mere negative response to the questions propounded in Form 11-C and is not a statement calculated to pervert the legitimate functions of Government and consequently is not violative of Title 18, United States Code, Section 1001.

IV

The record presents a serious question whether Sections 1952 (Travel) and 1953 (Carries) of Title 18, United States Code, as related to the facts in this case, are two separate offenses consecutively punishable

The Government insists that the evidence and record sufficiently support a judgment entered upon a Verdict of Guilty on Counts Two through Five of the Indictment, namely: That it was proven by the evidence beyond a reasonable doubt that Zambito knowingly caused Hale and Rogerson, (Sec. 2(b)) to travel (Sec. 1952) with intent to *facilitate a business enter-*

prise involving gambling; and on the identical occasion to carry (Sec. 1953) *a slip designed for use in a numbers game.*

The Indictment charges Zambito in Counts 2 and 4 with traveling and in Counts 3 and 5 with carrying, all laid on the same day, December 13, 1961. Since the offense of carrying must necessarily involve the offense of traveling, conviction on both constitutes two convictions for one offense.

Zambito's conduct, if it be an offense, constitutes but one offense and not two consecutive offenses.

Ollie Otto Prince v. *United States*, February 25, 1957, 352 U.S. 322, 77 S. Ct. 403

UNITED STATES CODE, Congressional And Administrative News, 87 Congress, Vol. 2, p. 2664 and p. 2634

CONCLUSION

For the foregoing reasons this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

GILBERT S. BACHMANN
Counsel for Petitioner

Counsel of Record:

GILBERT S. BACHMANN
1226 Chapline Street
Wheeling, West Virginia

JAMES A. BYRUM
Central Union Building
Wheeling, West Virginia

D. PAUL CAMILLETTI
Peoples Federal Building
Wheeling, West Virginia

March 28, 1963